



## Montana Office of Public Instruction Supplemental Educational Service Complaint Procedure

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Listed below is the process for filing a complaint relating to Supplemental Educational Services.

- (1) Each district shall implement a process for the prompt resolution of a complaint by Supplemental Educational Service Providers and parent(s)/ guardian(s) or teacher(s) of a child participating in Supplemental Educational Services (SES) concerning the provision of SES, as required by No Child Left Behind (NCLB) Title I Part A section 1116. The decision of the district shall be final unless the complainant can demonstrate a clear violation of NCLB Title I Part A section 1116.  
<http://www2.ed.gov/policy/elsec/guid/suppsvcsguid.doc>
- (2) Standard Complaint Procedure. After exhausting local procedures or after 45 business days from filing a written complaint with the school district, whichever occurs first, the complainant may direct the complaint or appeal of the district's decision to the OPI SES coordinator, Jack O'Connor, [joconnor2@mt.gov](mailto:joconnor2@mt.gov). The complainant shall use the form (link) and shall provide the following information:
  - (a) The name and address of the person bringing the appeal, and the district in which that person provides or participates in Supplemental Educational Services;
  - (b) The name and address of the district and, if appropriate, the provider which is alleged to be non-compliant with NCLB Supplemental Educational Services requirements; and
  - (c) A brief statement indicating which section of NCLB Title I Part A section 1116 the district or the provider is allegedly out of compliance, and how the district or the provider is alleged to be non-compliant.
- (3) Upon receipt of the complaint or appeal of a district's decision, the OPI SES coordinator shall determine whether the requirements of section (2) have been satisfied and whether the facts as alleged support a valid complaint or an appeal of a district's decision.
  - (a) If the OPI SES coordinator determines that the facts, if true, constitute noncompliance with NCLB Title I Part A section 1116, the appeal shall be accepted.
  - (b) If the OPI SES coordinator determines that the facts, even if true, do NOT constitute non-compliance with NCLB, the appeal shall not be accepted.
  - (c) In either case, the OPI SES coordinator shall give written notice of the determination to the complainant, school district, the provider and parent(s)/guardian(s) of participating child or children, as appropriate.
- (4) Within 30 days of receipt of notice of the OPI SES coordinator's acceptance of the complaint or appeal of the district's decision, the district shall submit a written report to the SES including:
  - (a) A statement of facts;
  - (b) A statement of district decision or action taken, if any, in response to the complaint, or if none was taken, the reason(s) action was not taken;

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- (c) A description, if one was reached, of the settlement of the complaint; and
- (d) If known, a list of any complaints filed by the party with another agency, concerning the subject of the appeal.
- (5) For good cause the OPI SES coordinator may extend the time for the filing of a report by the district.
- (6) Upon receipt of the district's report, the OPI SES coordinator shall investigate the allegations of the complaint to the extent necessary. The OPI, at the SES coordinator's discretion may conduct an on-site investigation, including interviews and review of documents as deemed necessary.
- (7) When a complaint or appeal of a district decision is accepted, the OPI SES coordinator shall issue a written decision within 60 days of receiving the district's report. The OPI decision will address each allegation in the complaint or appeal, and contain reasons for the OPI SES coordinator's decision as to whether or not the district or the provider is out of compliance.
- (8) If non-compliance is found, the OPI SES coordinator's written decision shall include any necessary corrective action to be taken as well as any documentation to be supplied to ensure that the corrective action has occurred. If a provider has been found out of compliance with NCLB Title I Part A section 1116, at the discretion of the OPI SES coordinator, the provider may be suspended from providing services until corrective action has occurred, or the provider may be permanently removed from the Montana Approved Provider List. If the district is found to be noncompliant, the OPI SES coordinator, in consultation with the district will determine corrective action.

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